

## **REMARKS**

### **I. STATUS OF THE APPLICATION**

Claims 1–28 were filed in the original application. In the Amendment and Response to Restriction Requirement mailed May 1, 2006, claims 1–12, 14, 21, and 26 – 28 were cancelled, claims 13, 16–19, and 22–23 were amended, and claims 29–45 were added. In the Response to Office Action mailed August 3, 2006 claim 29 was cancelled, and claims 13, 16, 18, 19, 22, 30, 31, 34, were amended. In the Amendment and Response to the Office Action mailed January 24, 2007 claims 13, 15–20, 22–25, and 30–45 were cancelled, and claims 46–90 were added. In the Request for Continued Examination and Amendment and Response to the Final Office Action of August 7, 2007, claims 63, 82 and 89 were amended, and claims 91-96 were added. In the Amendment and Response to the Office Action of December 11, 2007, claims 46, 47, 50, 54, 56-58, 65, 66, 69, 73, 75-77, 80, 84 and 87 were amended, claims 91-96 were cancelled, and claims 97 and 98 were newly added. In the present Amendment and Response to the Office Action mailed September 18, 2008 claim 73 is amended to correct a typographical error. Applicants submit that the present amendment to claim 73 adds no new subject matter. Therefore, claims 46-90 and 97-98 are currently pending.

Applicants note that all amendments of claims are made without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG),<sup>1</sup> and without waiving the right to prosecute the amended or cancelled claims (or similar claims) in the future.

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<sup>1</sup> 65 Fed. Reg. 54603 (Sept. 8, 2000).

## **II. CLAIM REJECTION**

In the Office Action of September 18, 2008 there is 1 rejection of the claims. The currently pending rejection is:

1. Claims 46-90 and 97-98 are provisionally rejected on the ground of nonstatutory obviousness type double patenting as allegedly being unpatentable over claims 1-36 of copending U.S. Patent Application No. 11/491,376 (US 2007/218467A).

## **III. NON STATUTORY DOUBLE PATENTING**

The Examiner has provisionally rejected claims 46-90 and 97-98 under the judicially created doctrine of obviousness-type double patenting over claims 1-36 of copending Application No. 11/491,376. (Office Action of September 18, 2008, pages 2-3.) Applicants have filed a terminal disclaimer herewith in view of copending Application 11/491,376 that obviates this provisional rejection.

**CONCLUSION**

In view of the foregoing, Applicants believe that all claims of the present application are in condition for allowance. The issuance of a formal notice of allowance at an early date is respectfully requested.

Should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicants encourage the Examiner to call the undersigned collect at (608) 218-6900.

Respectfully submitted,

Dated: March 16, 2009

/David A. Casimir/

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